

AMENDED IN SENATE APRIL 5, 2001
AMENDED IN SENATE FEBRUARY 15, 2001
AMENDED IN SENATE FEBRUARY 14, 2001

CALIFORNIA LEGISLATURE—2001–02 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 33

**Introduced by ~~Senators Burton, Karnette, Perata, Sher, and
Speier~~ Senator Machado**

February 6, 2001

An act to ~~add Section 330.5 to the Public Utilities Code, relating to
electric power~~ relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 33, as amended, ~~Burton—Machado. Electric power;
transmission facilities; purchase—Gas corporation public utility;
eminent domain.~~

Under existing law, various entities have the power to exercise eminent domain for separately designated purposes.

This bill, in addition, would authorize a gas corporation public utility, until June 1, 2002, to exercise the power of eminent domain for the purpose of competing with another entity in the offering of natural gas and services related to natural gas. The bill would prohibit the Public Utilities Commission from making a finding on a petition filed by a gas corporation for those purposes.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and other specified entities.~~

~~This bill would authorize the Governor to formulate a plan, through negotiation with representatives of electrical corporations, as defined, for the state to purchase the transmission facilities owned by electrical corporations in California that were under the operational control of the Independent System Operator as of January 1, 2001.~~

~~The bill would require the Governor to submit the plan to the Legislature for its consideration for subsequent adoption by statute and any necessary additional implementing legislation, including (1) authority for the State Treasurer to issue revenue bonds to finance the acquisition by the state of the transmission facilities of electrical corporations and to finance necessary improvements and expansion of the state's electrical transmission system and (2) authority for the state to contract with electrical corporations for the ongoing maintenance, repair, construction, expansion, or improvement of the transmission facilities purchased by the state under the adopted plan. If a plan is formulated, the bill would require the plan to include provisions to recover General Fund costs associated with the formulation of the plan.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 330.5 is added to the Public~~
- 2 ~~SECTION 1. (a) Notwithstanding Section 625 of the Public~~
- 3 ~~Utilities Code, from the effective date of this act to June 1, 2002,~~
- 4 ~~inclusive, a gas corporation public utility may exercise the power~~
- 5 ~~of eminent domain, including, but not limited to, any authority~~
- 6 ~~provided by Title 7 (commencing with Section 1230.010) of Part~~
- 7 ~~3 of the Code of Civil Procedure, to condemn any property for the~~
- 8 ~~purpose of competing with another entity in the offering of natural~~
- 9 ~~gas and services related to natural gas.~~
- 10 ~~(b) The Public Utilities Commission may not make a finding on~~
- 11 ~~a petition or complaint pending on the effective date of this act that~~
- 12 ~~was filed pursuant to Section 625 of the Public Utilities Code by~~
- 13 ~~a gas corporation public utility to condemn any property for the~~
- 14 ~~purpose of competing with another entity in the offering of natural~~
- 15 ~~gas and services related to natural gas. The Public Utilities~~
- 16 ~~Commission shall dismiss the petition or complaint.~~
- 17 ~~(c) This act shall become inoperative on June 1, 2002, and, as~~
- 18 ~~of January 1, 2003, is repealed, unless a later enacted statute that~~

1 *is enacted before January 1, 2003, deletes or extends the dates on*
2 *which it becomes inoperative and is repealed.*

3 ~~Utilities Code, to read:~~

4 ~~330.5. (a) The Governor may formulate a plan, through~~
5 ~~negotiation with representatives of electrical corporations, as~~
6 ~~defined in Section 218, for the state to purchase the transmission~~
7 ~~facilities owned by electrical corporations in California that were~~
8 ~~under the operational control of the Independent System Operator~~
9 ~~as of January 1, 2001.~~

10 ~~(b) The Governor shall submit the plan formulated under~~
11 ~~subdivision (a) to the Legislature for its consideration for~~
12 ~~subsequent adoption by statute and any necessary additional~~
13 ~~implementing legislation, which may include, but need not be~~
14 ~~limited to, all of the following:~~

15 ~~(1) Authority for the State Treasurer to issue revenue bonds to~~
16 ~~finance the acquisition by the state of the transmission facilities of~~
17 ~~electrical corporations and to finance necessary improvements and~~
18 ~~expansion of the state's electrical transmission system.~~

19 ~~(2) Authority for the state to contract with electrical~~
20 ~~corporations for the ongoing maintenance, repair, construction,~~
21 ~~expansion, or improvement of the transmission facilities~~
22 ~~purchased by the state under the adopted plan.~~

23 ~~(c) If a plan is formulated, the plan shall include provisions to~~
24 ~~recover General Fund costs associated with the formulation of the~~
25 ~~plan.~~

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